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MAY 20 2004
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION
CIVIL NO. C04-1034-JSC



12 IP LEARN, LLC,
13 Plaintiff and Counterdefendant,
14 v.
15 SABA SOFTWARE INC.; and DOES 1-10,
16 Defendant and Counterclaimant.

No. C 02-02634 JW

**SABA'S PRELIMINARY INVALIDITY
CONTENTIONS AND RELATED
DOCUMENT DISCLOSURE**

(Patent Local Rules 3-3 and 3-4)

AND RELATED COUNTERCLAIMS.

In accordance with Northern District Patent Local Rule 3-3, defendant Saba Software, Inc. (“Saba”) hereby submits the following preliminary invalidity contentions regarding U.S. Patent No. 5,779,486 (the “486 patent”), U.S. Patent No. 5,934,909 (the “909 patent”), U.S. Patent No. 6,118,973 (the “973 patent”), U.S. Patent No. 6,126,448 (the “448 patent”), and U.S. Patent No. 6,398,556 (the “556 patent”). Saba predicates its preliminary contentions, in part, on a potentially overbroad claim construction anticipated from plaintiff IP Learn, LLC (“IP Learn”) in light of IP Learn’s preliminary infringement contentions, served on November 27, 2002.

Accordingly, these preliminary contentions should not be presumed to represent or otherwise reflect Saba’s reasoned position with respect to a proper claim construction.

1 These preliminary contentions are based on information reasonably available at this time.
2 Discovery is continuing, and Saba has not received or completed review of all the pertinent
3 evidence. Saba reserves the right to supplement or amend these preliminary contentions, based
4 on further investigation, discovery, and evaluation of the scope and content of the prior art, and
5 based on any changes in IP Learn's claims and contentions.

6 **I. PATENT L.R. 3-3(a): DISCLOSURE OF PRIOR ART**

7 Saba hereby identifies the following items of prior art that either anticipate or render
8 obvious the claims of the '486, '909, '973, '448, and '556 patents:

Document No.	Reference	Publication/ Issue Date	Inventor/Author
1	USP 5,416,694	May 16, 1995	Parrish et al.
2	USP 5,592,375	Jan. 7, 1997	Salmon et al.
3	USP 5,799,292	Aug. 25, 1998	Hekmatpour
4	USP 5,823,781	Oct. 20, 1998	Hitchcock et al.
5	USP 5,832,497	Nov. 3, 1998	Taylor
6	USP 5,978,768	Nov. 2, 1999	McGovern et al.
7	USP 5,999,908	Dec. 7, 1999	Abelow
8	USP 6,157,808	Dec. 5, 2000	Hollingsworth
9	"Control Data PLATO Author Language Reference Manual"	April 1978	Control Data Corporation
10	"Control Data PLATO System Overview"	1976	Control Data Corporation
11	"Control Data PLATO"	N/A	Control Data Corporation
12	"Control Data PLATO CMI Author's Guide"	1978	Control Data Corporation
13	"Industry Education Computer Based Training Strategy"	February 1988	Arthur Andersen & Co.
14	"CBT Systems 1992 - The Training Resource"	1992	CBT Systems
15	"CBT Systems 1993 - The Training Resource"	1993	CBT Systems
16	"CBT WINTRACS"	1994	CBT Systems

Document No.	Reference	Publication/ Issue Date	Inventor/Author
17	"How to Use the CBT TRACS System - Administrator's Guide"	1994	CBT Systems
18	"CBT Systems Spring 1995 - The Training Resource"	Spring 1995	CBT Systems
19	"WINTRACS"	September 1997	CBT Systems
20	"SuccessMaker Reports Guide"	1993	Computer Curriculum Corporation
21	"SuccessMaker Reports Quick Reference Guide"	1993	Computer Curriculum Corporation
22	"SuccessMaker Instructional Management Handbook"	1993	Computer Curriculum Corporation
23	"SuccessMaker Math Concepts and Skills: Teacher's Handbook"	1993	Computer Curriculum Corporation
24	"SkillView: Engineering a More Productive WorkForce"	N/A	SkillView Technologies
25	USP 5,692,906	Dec. 2, 1997	Corder

Saba is informed and believes that References 9-23 above relate to products that were sold, offered for sale, publicly used or known more than one year prior to the date of U.S. Patent Application No. 08/618,193 (the '486 patent application). Saba's investigation regarding the date of Reference 24 above is continuing.

II. PATENT L-R 3-3(b): WHETHER THE PRIOR ART ANTICIPATES OR RENDERS OBVIOUS THE ASSERTED CLAIMS

In accordance with Patent Local Rule 3-3(b), Saba identifies whether the prior art anticipates or renders obvious the asserted claims.

A. Under 35 U.S.C. § 102

1. The '486 Patent

- (a) References 9-12 anticipate claims 1 and 2 of the '486 patent.
- (b) Reference 13 anticipates claims 1 and 2 of the '486 patent.

(c) References 20-23 anticipate claims 1, 2, 13, 14, 15, 16, 17, 19, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 50, and 54 of the '486 patent.

2. The '909 Patent

- (a) References 9-12 anticipate claims 1, 2, 4, 12, and 13 of the '909 patent.
- (b) Reference 13 anticipates claims 1, 2, 4, 12, and 13 of the '909 patent.
- (c) References 20-23 anticipate claims 1, 2, 4, 5, 8, 11, 12, 13, 21, 22, 23, 24, 25, 26, 27, and 29 of the '909 patent.

3. The '973 Patent

- (a) References 9-12 anticipate claims 1, 2, 11, 12, 14, and 16 of the '973 patent.
- (b) Reference 13 anticipates claims 1, 2, 11, 12, 14, and 16 of the '973 patent.
- (c) References 20-23 anticipate claims 1, 2, 4, 9, 10, 11, 12, 14, 15, 16, 19, 20, 21, 23, 24, 25, and 26 of the '973 patent.

4. The '448 Patent

- (a) Reference 13 anticipates claims 1, 2, 3, 4, 5, 10, 14, 15, 16, 17, 19, 20, 21, 24, 25, 30, 32, 33, 34, 35, 36, 37, 38, 39, 45, and 46 of the '448 patent.
- (b) Reference 24 anticipates claims 1, 2, 3, 4, 5, 10, 14, 15, 16, 17, 19, 20, 21, 24, 25, 26, 30, 32, 33, 34, 35, 36, 37, 38, 39, 45, and 46 of the '448 patent.

5 The '556 Patent

(a) Reference 5 anticipates claims 1, 2, 3, 5, 10, 11, 14, 23, 25, 26, 27, 28, 53, 56, 57, 58, 59, 64, 65, 67, 68, and 72 of the '556 patent.

(b) Reference 13 anticipates claims 1, 2, 3, 5, 7, 10, 11, 14, 22, 25, 26, 27, and 28 of the '556 patent.

(c) References 16 and 19 anticipate claims 1, 2, 3, 5, 7, 8, 23, 25, 26, 27, 53, 56, 58, and 60 of the '556 patent.

1 **B. Under 35 U.S.C. § 103**

2 **1. The '486 Patent**

3 (a) If any of the references set forth above as anticipating the claims of the '486 patent
4 are found not to anticipate, they render the asserted claims of the '486 patent obvious, either alone
5 or in combination with other prior art disclosing the elements allegedly missing from the
6 references.

7 **2. The '909 Patent**

8 (a) If any of the references set forth above as anticipating the claims of the '909 patent
9 are found not to anticipate, they render the asserted claims of the '909 patent obvious, either alone
10 or in combination with other prior art disclosing the elements allegedly missing from the
11 references.

12 **3. The '973 Patent**

13 (a) If any of the references set forth above as anticipating the claims of the '973 patent
14 are found not to anticipate, they render the asserted claims of the '973 patent obvious, either alone
15 or in combination with other prior art disclosing the elements allegedly missing from the
16 references.

17 **4. The '448 Patent**

18 (a) Reference 13, alone or in combination with Reference 3, would have made claim
19 26 of the '448 patent obvious. Reference 13 describes a computer-based learning system for
20 training consultants to do particular jobs. Reference 3 discloses an "Adaptive Hypermedia
21 Presentation Method and System," described primarily in the context of training in a
22 manufacturing environment. Thus, someone wishing to design an adaptive hypermedia
23 presentation system for purposes of training consultants would be motivated to combine
24 References 3 and 13.

25 (b) If any of the references set forth above as anticipating the claims of the '448 patent
26 are found not to anticipate, they render the asserted claims of the '448 patent obvious, either alone
27

1 or in combination with other prior art disclosing the elements allegedly missing from the
2 references.

3 **5. The '556 Patent**

4 (a) Reference 5, alone or in combination with reference 7, and further in view of
5 reference 2, would have made claims 7 and 8 of the '556 patent obvious. Reference 5 discloses
6 an "Electronic Automated Information Exchange and Management System," particularly in the
7 context of job searches and employer efforts to identify and recruit prospective employees.
8 Reference 7 discloses a "Customer-Based Product Design Module" that is described as "making
9 two-way learning and information delivery part of the product and service environment." (*See*
10 *Abstract.*) Reference 2 discloses a "Computer-Assisted System for Interactively Brokering
11 Goods or Services Between Buyers and Sellers" in the context of personnel searches as well as in
12 the context of exchanging information regarding, and brokering, products and services generally.
13 Thus, Reference 2, which describes a system useful for exchanging information in the context of
14 both job and product markets, motivates the combination of Reference 5, which focuses on a
15 system for job markets, with Reference 7, which focuses on a system for product markets.

16 (b) Reference 5, alone or in combination with Reference 13, and further in view of
17 Reference 24, would have made claims 54, 60, 61, 73, 74, 77, 78, 79, and 80 of the '556 patent
18 obvious. Reference 5 discloses an "Electronic Automated Information Exchange and Management
19 System," particularly in the context of applicant job searches and employer efforts to identify and
20 recruit prospective employees. Reference 13 describes use of a computer training and assessment
21 system to qualify and match personnel to appropriate jobs, particularly in the context of current
22 employees and in-house jobs. Reference 24 describes a computer training and assessment system
23 to qualify and match personnel to appropriate jobs in the context of both current employees and in-
24 house jobs and in the context of recruiting outside candidates for job openings. Thus, Reference
25 24, which describes a training and assessment system for use in both external and internal job-
26 personnel matching, motivates the combination of Reference 5, which focuses on external job-
27 personnel matching, with Reference 13, which describes internal job-personnel matching.

(c) Reference 5, alone or in combination with References 7 and 13, and further in view of References 2 and 24, would have made claim 84 of the '556 patent obvious. As discussed in subsection (a) above, Reference 2 motivates the combination of Reference 5 with Reference 7. As discussed in subsection (b) above, Reference 24 motivates the combination of Reference 5 with Reference 13. Thus, in view of References 2 and 24, the combination of Reference 5 with References 7 and 13 is also motivated.

(d) Reference 13, alone or in combination with Reference 5, would have made claims 8, 23, 53, 54, 56, 57, 58, 59, 60, 61, 64, 65, 67, 68, 72, 73, 74, 77, 78, and 79 of the '556 patent obvious. As discussed in subsection (b) above, Reference 24 motivates the combination of Reference 13 with Reference 5. Moreover, with regard to use of a Web server, Reference 13 describes, in the context of a computer training and assessment system to qualify and match personnel to appropriate jobs, the need for remote access. Thus, Reference 13 itself motivates the combination with Reference 5, which teaches the use of a Web server in the context of a system for automated information exchange for matching prospective personnel to appropriate jobs.

(e) If any of the references set forth above as anticipating the claims of the '556 patent are found not to anticipate, they render the asserted claims of the '556 patent obvious, either alone or in combination with other prior art disclosing the elements allegedly missing from the references.

III. PATENT L-R 3-3(c): INVALIDITY CHARTS

Attached hereto as Tables 1-8 are charts identifying where each element of the asserted claims is found in the prior art. These charts are provided for illustrative purposes and may not set forth every place in every reference where a claim element is disclosed. Where elements are disclosed at multiple locations within a single item of prior art, Saba has not necessarily identified every iteration of every disclosure. Saba has not completed its investigation of the patents in suit, and the charts are limited to information that is currently within Saba's possession.

IV. PATENT L-R 3-3(d): INVALIDITY BASED ON INDEFINITENESS, WRITTEN DESCRIPTION, OR ENABLEMENT

Claim 25 of the '448 patent is invalid under 35 U.S.C. § 112 (¶ 2) for failing to particularly point out and distinctly claim the subject matter regarded as the invention. The claim refers to the

1 step of searching set forth in claim 1, stating: “wherein the step of searching depends on the one or
2 more jobs, and job that is related to the one or more jobs.” This language is indecipherable, and
3 the intended meaning is impossible to determine. This claim is therefore indefinite.

4 Claim 65 of the '556 patent is invalid under the written description requirement of 35
5 U.S.C. § 112 (¶ 1). Claim 65 recites a computer-aided learning method “wherein at least a
6 portion of the materials to learn is modified as the objective of the institute user changes.” The
7 concept of having learning materials change as the institute user’s objective changes was added to
8 the claims during prosecution, but it is not supported by the specification of the patent. The
9 examples disclosed in the specification are insufficient to put one on notice that the inventors of
10 the '556 patent were in possession of a method in which the learning materials change in
11 accordance with the institute user’s objective. As a result, claim 65 is invalid for lack of an
12 adequate written description.

Likewise, claim 72 of the '556 patent is invalid under 35 U.S.C. § 112 (¶ 1) for lack of an adequate written description. Claim 72 recites a “computer-aided learning methos [sic]” wherein “at least a portion of the materials to learn is modularized as learning objects.” The phrase “modularized as learning objects” was added to the claims during prosecution, but it does not appear anywhere in the specification of the patent. There is nothing in the specification to put one on notice that the '556 patent inventors were in possession of a method in which “materials to learn” are “modularized as learning objects.”

20 Dated: January 10, 2003

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SABA'S PRELIMINARY INVALIDITY CONTENTIONS
NO. C 02-02634 JW
sf-1431476

TABLE 4

Invalidity Claim Chart: The '448 Patent (Andersen)

Patent No. 6,126,448		
Claim No.	Claim	Prior Art
1.	<p>[A] A computer-aided learning method for helping a user regarding a job in a company, the method comprising the steps of: retrieving, by a computer, a job position, which identifies the one or more jobs needed to be done for the job position; and [B] determining, by the computer, whether learning materials should be presented to the user, with the materials helping the user learn about the one or more jobs;</p> <p>[C] wherein:</p> <p>the company has a number of documents: at least some of the learning materials are from the company documents;</p> <p>[D] at least some of the documents are categorized;</p> <p>[E] the method further comprises the steps of:</p> <p>searching at least some of the documents to extract more than one documents to be the learning materials; and</p> <p>[F] organizing at least some of the extracted documents based on one or more rules to prioritize them.</p>	<p><u>Arthur Andersen & Co., Industry Education Computer Based Training Strategy Appendixes - Data Base Learning Model (02/88) ("Andersen") at SA 04849; U.S. Patent 6,157,808 ("Hollingsworth"), col. 2, lines 32-37, col. 5, lines 36-37, 51-54, 60-62.</u></p> <p><u>Andersen at SA 04828.</u></p> <p><u>Andersen at SA 04830, SA 04840.</u></p> <p><u>See above references to Andersen regarding part [C]; Andersen at SA 04830-31.</u></p> <p><u>See references to Andersen regarding part [B]; Andersen at SA 04828.</u></p> <p><u>Andersen at SA 04850, SA 04855; US Patent 5,799,292 ("Hekmatpour"), col. 2, lines 48-53.</u></p>

TABLE 4

Invalidity Claim Chart: The '448 Patent (Andersen)

Patent No. 6,126,448		
Claim No.	Claim	Prior Art
2.	[A] A computer-aided learning method as recited in claim 1 wherein: the user is the company's employee; [B] the job position is related to the user; and [C] the materials help the user do the one or more jobs.	See references to <u>Andersen</u> regarding part [A] of claim 1. See references to <u>Andersen</u> regarding part [A] of claim 1. See references to <u>Andersen</u> regarding part [A] of claim 1.
3.	A computer-aided learning method as recited in claim 1 wherein the user occupies the job position.	See references to <u>Andersen</u> regarding part [A] of claim 1 and part [B] of claim 2.
4.	A computer-aided learning method as recited in claim 1 wherein: the company has an organization chart showing a plurality of job positions; and the job position is a position in the organization chart.	Andersen at SA 04831, SA 04850; Hollingsworth, col. 3, lines 10-15.
5.	A computer-aided learning method as recited in claim 1 wherein the job position retrieved is the job position the user is interested in.	See references to <u>Andersen</u> regarding part [A] of claim 1.
10.	A computer-aided learning method as recited in claim 1 wherein the job position retrieved is the job position the user is interested in.	See references to <u>Andersen</u> regarding part [A] of claim 1.
14.	A computer-aided learning method as recited in claim 1 wherein the step of determining depends on at least a need of the company.	See references to <u>Andersen</u> regarding part [B] of claim 1.

TABLE 4

Invalidity Claim Chart: The '448 Patent (Andersen)

Patent No. 6,126,448		
Claim No.	Claim	Prior Art
15.	A computer-aided learning method as recited in claim 14 wherein the user is selected by the company based on at least one characteristic in the user profile.	<u>Andersen</u> at SA 04832, SA 04853.
16.	A computer-aided learning method as recited in claim 14 wherein the step of determining depends on at least one characteristic in the profile of the user.	See references to <u>Andersen</u> regarding part [B] of claim 1; <u>Andersen</u> at SA 04828.
17.	A computer-aided learning method as recited in claim 1 wherein the step of determining depends on at least one characteristic, other than the job position, in the profile of the user.	See references to <u>Andersen</u> regarding part [F] of claim 1; <u>Andersen</u> at SA 04832.
19.	A computer-aided learning method as recited in claim 1 further comprising the step of ascertaining by the computer the learning materials.	See quotes from <u>Andersen</u> regarding part [A] of claim 1 and part [B] of claim 1; <u>Andersen</u> at SA 04850, SA 04828.
20.	A computer-aided learning method as recited in claim 19 wherein the materials ascertained depends on at least one characteristic in the profile of the user.	See references to <u>Andersen</u> regarding claim 16 and regarding claim 19.
21.	A computer-aided learning method as recited in claim 19 further comprising the step of presenting, by the computer, the materials to the user if, as determined by the computer, the user is interested in the learning materials.	See references to <u>Andersen</u> regarding claim 19.

TABLE 4

Invalidity Claim Chart: The '448 Patent (Andersen)

Patent No. 6,126,448		
Claim No.	Claim	Prior Art
24.	A computer-aided learning method as recited in claim 1 wherein the information in the one or more extracted documents has at least one common structure.	See quotes from <u>Andersen</u> regarding part [A] of claim 1; <u>Andersen</u> at SA 04828.
25.	A computer-aided learning method as recited in claim 1 wherein the step of searching depends on the one or more jobs, and job that is related to the one or more jobs.	<u>Andersen</u> at SA 04828; <u>Hollingsworth</u> , col. 8, lines 25-39, col. 9, lines 41-48 (and Figure 1b), col. 13, line 9.
26.	A computer-aided learning method as recited in claim 1 wherein at least one rule depends on information regarding the company.	<u>Hekmatpour</u> , col. 9, lines 2-5.
30.	A computer-aided learning method as recited in claim 1 wherein the documents are categorized depending on at least one characteristic of the profile of the user.	See references to <u>Andersen</u> regarding claim 24.
32.	A computer-aided learning method as recited in claim 1 wherein: at least one document including at least one attribute, which describes that document; and the method further comprises the steps of: retrieving, by a computer, the at least one attribute of the at least one document; and categorizing, by the computer, the document based on the retrieved attribute.	<u>Andersen</u> at SA 04828, SA 04830-31; <u>Hekmatpour</u> , col. 9, lines 48-57, col. 6, lines 3-4, col. 7, lines 33-38.

TABLE 4

Invalidity Claim Chart: The '448 Patent (Andersen)

		Patent No. 6,126,448
Claim No.	Claim	Prior Art
33.	A computer-aided learning methods as recited in claim 1 wherein: the company includes an organization chart; and at least some of the documents are categorized depending on the organization chart.	See references to <u>Andersen</u> regarding parts [D] and [E] of claim 1.
34.	A computer-aided learning method as recited in claim 1 further comprising the steps of: searching, by a computer, the documents categorized to extract one or more of them to be the learning materials; and wherein the step of searching depends on the one or more jobs needed to be done for the job position, and a job that is related to the one or more jobs.	See references to <u>Andersen</u> and <u>Hollingsworth</u> regarding claim 25.

TABLE 4

Invalidity Claim Chart: The '448 Patent (Andersen)

Patent No. 6,126,448

Claim No.	Claim	Prior Art
35.	<p>[A] A computer-aided apparatus for helping a user, who is associated with a company, regarding a job in the company, based on a job position related to the user, the apparatus comprising:</p> <p>a retriever configured to retrieve the job position, which identifies the one or more jobs needed to be done for the job position; and</p> <p>[B] a determinator configured to determine whether learning materials should be presented to the user, with the materials helping the user learn about the one or more jobs;</p> <p>[C] wherein:</p> <p>the company has a number of documents; at least some of the learning materials are from the company documents;</p> <p>[D] at least some of the documents are categorized;</p> <p>[E] at least some of the documents are searched to extract more than one documents to be the learning materials; and</p> <p>[F] at least some of the extracted documents are organized based on one or more rules to prioritize them.</p>	<p>See references to <u>Andersen</u> and <u>Hollingsworth</u> regarding part [A] of claim 1.</p> <p>See references to <u>Andersen</u> regarding part [B] of claim 1.</p> <p>See references to <u>Andersen</u> regarding part [C] of claim 1.</p> <p>See references to <u>Andersen</u> regarding part [D] of claim 1.</p> <p>See references to <u>Andersen</u> regarding part [E] of claim 1.</p> <p>See references to <u>Andersen</u> and <u>Hekmatpour</u> regarding part [F] of claim 1.</p>

TABLE 4

Invalidity Claim Chart: The '448 Patent (Andersen)

Patent No. 6,126,448		
Claim No.	Claim	Prior Art
36.	A computer-aided learning apparatus as recited in claim 35 wherein: the user is the company's employee; the job position is related to the user; and the materials help the user do the one or more jobs.	See references to <u>Andersen</u> regarding part [A] of claim 2.
37.	A computer-aided learning apparatus as recited in claim 35 wherein the user occupies the job position.	See references to <u>Andersen</u> regarding claim 3.
38.	A computer-aided learning apparatus as recited in claim 35 wherein: the job position is a position in an organization chart of the company.	See references to <u>Andersen</u> and <u>Hollingsworth</u> regarding claim 4.
39.	A computer-aided learning apparatus as recited in claim 35 wherein the job position retrieved is the job position the user is interested in.	See references to <u>Andersen</u> regarding claim 5.
45.	A computer-aided learning apparatus as recited in claim 35 wherein: the documents categorized are searched to extract one or more of them to be the learning materials; and the searching depends on the one or more jobs needed to be done for the job position, and a job that is related to the one or more jobs.	See references to <u>Andersen</u> regarding parts [D] and [E] of claim 1.
46.	A computer-aided learning apparatus as recited in claim 35 wherein the documents are categorized depending on at least one characteristic of the profile of the user.	See references to <u>Andersen</u> and <u>Hollingsworth</u> regarding claim 25.
		See reference to <u>Andersen</u> regarding claim 30.

TABLE 4

Invalidity Claim Chart: The '448 Patent (*Andersen*)

TABLE 5

Invalidity Claim Chart: The '448 Patent (SkillView/Andersen)

		Patent No. 6,126,448	
Claim No.	Claim	Prior Art	
1.	<p>[A] A computer-aided learning method for helping a user regarding a job in a company, the method comprising the steps of: retrieving, by a computer, a job position, which identifies the one or more jobs needed to be done for the job position; and</p> <p>[B] determining, by the computer, whether learning materials should be presented to the user, with the materials helping the user learn about the one or more jobs;</p> <p>[C] wherein:</p> <p>the company has a number of documents: at least some of the learning materials are from the company documents;</p> <p>[D] at least some of the documents are categorized;</p> <p>[E] the method further comprises the steps of:</p> <p>searching at least some of the documents to extract more than one documents to be the learning materials; and</p> <p>[F] organizing at least some of the extracted documents based on one or more rules to prioritize them.</p>	<p>"SkillView: Engineering a More Productive WorkForce," by SkillView Technologies ("SkillView") at SA 04740, SA 04741, SA 04743, SA 04746.</p> <p>SkillView at SA 04741, SA 04742, SA 04755.</p> <p>SkillView at SA 04755; "Industry Education Computer Based Training Strategy" (1988), by Arthur Andersen & Co ("Andersen") at SA 04840.</p> <p>SkillView at SA 04741, SA 04755; Andersen at SA 04830, SA 04831, SA 04840.</p> <p>SkillView at SA 04741, SA 04742, SA 04744, SA 04755; Andersen at SA 04828.</p> <p>SkillView at SA 04741, SA 04742, SA 04744, SA 04755; Andersen at SA 04850, SA 04855.</p>	

TABLE 5

Invalidity Claim Chart: The '448 Patent (SkillView/Andersen)

Patent No. 6,126,448		
Claim No.	Claim	Prior Art
2.	[A] A computer-aided learning method as recited in claim 1 wherein: the user is the company's employee; [B] the job position is related to the user; and [C] the materials help the user do the one or more jobs.	SkillView at SA 04745, SA 04746, SA 04748, SA 04749.
3.	A computer-aided learning method as recited in claim 1 wherein the user occupies the job position.	See references to SkillView regarding part [B] of claim 2.
4.	A computer-aided learning method as recited in claim 1 wherein: the company has an organization chart showing a plurality of job positions; and the job position is a position in the organization chart.	SkillView at SA 04746.
5.	A computer-aided learning method as recited in claim 1 wherein the job position retrieved is the job position the user is interested in.	See references to SkillView regarding part [B] of claim 2.
10.	A computer-aided learning method as recited in claim 1 wherein, if materials should be presented, the method further comprises the step of presenting, by the computer, the learning materials to the user.	See references to SkillView regarding part [B] of claim 1.

TABLE 5

Invalidity Claim Chart: The '448 Patent (SkillView/Andersen)

		Patent No. 6,126,448	
Claim No.	Claim	Prior Art	
14.	A computer-aided learning method as recited in claim 1 wherein the step of determining depends on at least a need of the company.	SkillView at SA 04755; SA 04742-46, SA 04751, SA 04755.	
15.	A computer-aided learning method as recited in claim 14 wherein the user is selected by the company based on at least one characteristic in the user profile.	SkillView at SA 04745-48.	
16.	A computer-aided learning method as recited in claim 14 wherein the step of determining depends on at least one characteristic in the profile of the user.	See references to SkillView regarding part [B] of claim 1.	
17.	A computer-aided learning method as recited in claim 1 wherein the step of determining depends on at least one characteristic, other than the job position, in the profile of the user.	See references to SkillView regarding parts [B] and [F] of claim 1.	
19.	A computer-aided learning method as recited in claim 1 further comprising the step of ascertaining by the computer the learning materials.	See references to SkillView regarding part [B] of claim 1.	
20.	A computer-aided learning method as recited in claim 19 wherein the materials ascertained depends on at least one characteristic in the profile of the user.	See references to SkillView regarding parts [B] and [F] of claim 1.	

TABLE 5

Invalidity Claim Chart: The '448 Patent (SkillView/Andersen)

		Patent No. 6,126,448
Claim No.	Claim	Prior Art
21.	A computer-aided learning method as recited in claim 19 further comprising the step of presenting, by the computer, the materials to the user if, as determined by the computer, the user is interested in the learning materials.	See references to <u>SkillView</u> regarding part [B] of claim 1; see also <u>SkillView</u> at SA 04746, SA 04748-49.
24.	A computer-aided learning method as recited in claim 1 wherein the information in the one or more extracted documents has at least one common structure.	<u>SkillView</u> at SA 04755.
25.	A computer-aided learning method as recited in claim 1 wherein the step of searching depends on the one or more jobs, and job that is related to the one or more jobs.	<u>SkillView</u> at SA 04742-45, SA 04755.
26.	A computer-aided learning method as recited in claim 1 wherein at least one rule depends on information regarding the company.	<u>SkillView</u> at SA 04742-46, SA 04751, SA 04755.
30.	A computer-aided learning method as recited in claim 1 wherein the documents are categorized depending on at least one characteristic of the profile of the user.	See references to <u>SkillView</u> regarding part [B] of claim 1.

TABLE 5

Invalidity Claim Chart: The '448 Patent (SkillView/Andersen)

		Patent No. 6,126,448	
Claim No.	Claim	Prior Art	
32.	A computer-aided learning method as recited in claim 1 wherein: at least one document including at least one attribute, which describes that document; and the method further comprises the steps of: retrieving, by a computer, the at least one attribute of the at least one document; and categorizing, by the computer, the document based on the retrieved attribute.		<u>SkillView</u> at SA 04755.
33.	A computer-aided learning methods as recited in claim 1 wherein: the company includes an organization chart; and at least some of the documents are categorized depending on the organization chart.		<u>SkillView</u> at SA 04741, SA 04746, SA 04755.
34.	[A] A computer-aided learning method as recited in claim 1 further comprising the steps of: searching, by a computer, the documents categorized to extract one or more of them to be the learning materials; and [B] wherein the step of searching depends on the one or more jobs needed to be done for the job position, and a job that is related to the one or more jobs.		See <u>SkillView</u> at SA 04741, SA 04744, SA 04755. See references to <u>SkillView</u> regarding claim 25.

TABLE 5

Invalidity Claim Chart: The '448 Patent (SkillView/Andersen)

Patent No. 6,126,448		
Claim No.	Claim	Prior Art
35.	<p>[A] A computer-aided apparatus for helping a user, who is associated with a company, regarding a job in the company, based on a job position related to the user, the apparatus comprising:</p> <p>a retriever configured to retrieve the job position, which identifies the one or more jobs needed to be done for the job position; and</p> <p>[B] a determinator configured to determine whether learning materials should be presented to the user, with the materials helping the user learn about the one or more jobs;</p> <p>[C] wherein:</p> <p>the company has a number of documents; at least some of the learning materials are from the company documents;</p> <p>[D] at least some of the documents are categorized;</p> <p>[E] at least some of the documents are searched to extract more than one documents to be the learning materials; and</p> <p>[F] at least some of the extracted documents are organized based on one or more rules to prioritize them.</p>	<p>See references to SkillView regarding part [A] of claim 1.</p> <p>See references to SkillView regarding part [B] of claim 1.</p> <p>See references to SkillView regarding part [C] of claim 1.</p> <p>See references to SkillView regarding part [D] of claim 1.</p> <p>See references to SkillView regarding part [E] of claim 1.</p> <p>See references to SkillView regarding part [F] of claim 1.</p>

TABLE 5

Invalidity Claim Chart: The '448 Patent (SkillView/Andersen)

Patent No. 6,126,448		
Claim No.	Claim	Prior Art
36.	[A] A computer-aided learning apparatus as recited in claim 35 wherein: the user is the company's employee; [B] the job position is related to the user; and [C] the materials help the user do the one or more jobs.	See references to SkillView regarding part [A] of claim 2. See references to SkillView regarding part [B] of claim 2. See references to SkillView and Andersen regarding part [C] of claim 2.
37.	A computer-aided learning apparatus as recited in claim 35 wherein the user occupies the job position.	See references to SkillView regarding claim 3.
38.	A computer-aided learning apparatus as recited in claim 35 wherein: the job position is a position in an organization chart of the company.	See reference to SkillView regarding claim 4.
39.	A computer-aided learning apparatus as recited in claim 35 wherein the job position retrieved is the job position the user is interested in.	See reference to SkillView regarding claim 5.

TABLE 5

Invalidity Claim Chart: The '448 Patent (SkillView/Andersen)

		Patent No. 6,126,448
Claim No.	Claim	Prior Art
45.	<p>[A] A computer-aided learning apparatus as recited in claim 35 wherein: the documents categorized are searched to extract one or more of them to be the learning materials; and</p> <p>[B] the searching depends on the one or more jobs needed to be done for the job position, and a job that is related to the one or more jobs.</p>	See references to SkillView regarding part [A] of claim 34.
46.	[A] A computer-aided learning apparatus as recited in claim 35 wherein the documents are categorized depending on at least one characteristic of the profile of the user.	See references to SkillView regarding claim 30.

TABLE 6

Invalidity Claim Chart: The '556 Patent (Taylor)

Patent No. 6,398,556		
Claim No.	Claim	Prior Art
1.	<p>[A] A computer-aided learning method for a user comprising the steps of: retrieving, by a first computer, materials related to the user;</p> <p>[B] permitting, by the computer, the user to access materials regarding at least one learning user if the user is an institute user, as determined based on an identifier of the user;</p> <p>[C] wherein if the user is the institute user, the institute user can learn about the at least one learning user in an area the institute user is interested;</p> <p>[D] wherein the materials accessed can be retrieved by at least one of the users from another computer, which is connected to the first computer through a network; and</p> <p>[E] wherein the institute user pays to access materials regarding the at least one learning user; a learning user is allowed to access materials to learn; and materials on at least one of the users can be tracked and updated.</p>	<p>U.S. Patent 5,832,497 ("Taylor"), col. 4, lines 63-65.</p> <p>See reference to <u>Taylor</u> regarding part [A].</p> <p>See reference to <u>Taylor</u> regarding part [A].</p> <p><u>Taylor</u>, col. 3, lines 8-11.</p> <p><u>Taylor</u>, col. 4, lines 2 and 53-60; col. 5, lines 61-62, and col. 6, lines 2-3, 26-27, and 49-50.</p>
2.	<p>[A] A computer-aided learning method as recited in claim 1 further comprising the steps of: tracking, by the computer, materials regarding the user; and</p> <p>[B] updating, by the computer, materials regarding the user based on the tracked materials.</p>	<p>See references to <u>Taylor</u> regarding part [E] of claim 1.</p> <p>See references to <u>Taylor</u> regarding part [E] of claim 1; and see <u>Taylor</u>, col. 6, lines 24-25 and 47-50.</p>
3.	A computer-aided learning method as recited in claim 2 further comprising the step of ascertaining materials for the user to learn if the user is a learning user.	<u>Taylor</u> , col. 6, lines 20-21 and 24-25.

TABLE 6

Invalidity Claim Chart: The '556 Patent (Taylor)

Patent No. 6,398,556	
Claim No.	Claim
5.	A computer-aided learning method as recited in claim 2 wherein if the user is a learning user, the step of tracking includes tracking the user's learning activities.
7.	[A] A computer-aided learning method as recited in claim 5 wherein: the user is learning features of a product; and [B] the activities tracked include the one or more features the user worked on.
8.	A computer-aided learning method as recited in claim 7 wherein the method is implemented at a Web site.
10.	A computer-aided learning method as recited in claim 2 wherein the institute user accesses the materials to identify a learning user for filling a job position.
11.	A computer-aided learning method as recited in claim 10 further comprising the step of querying materials on learning users to identify a learning user to fill the job position based on criteria set by the institute user.
14.	A computer-aided learning method as recited in claim 10 wherein the method is implemented at a Web site.
22.	A computer-aided learning method as recited in claim 2 wherein the materials to learn includes materials on features of a product introduced by an institute user.
23.	A computer-aided learning method as recited in claim 2 wherein the method is implemented at a Web site.

TABLE 6

Invalidity Claim Chart: The '556 Patent (Taylor)

Patent No. 6,398,556	
Claim No.	Claim
25.	<p>[A] A computer-aided learning apparatus for a user comprising: A retriever configured to retrieve materials related to the user; and</p> <p>[B] A determinator configured to permit the user to access materials regarding at least one learning user if the user is an institute user, as determined based on an identifier of the user;</p> <p>[C] wherein the materials accessed can be retrieved by at least one of the users from another computer, which is connected to the apparatus through a network; and</p> <p>[D] wherein if the user is the institute user, the institute user can learn about the at least one learning user in an area the institute user is interested;</p> <p>[E] wherein the institute user pays to access materials regarding the at least one learning user; a learning user is allowed to access materials to learn; and materials on at least one of the users can be tracked and updated.</p>
26.	<p>A computer-aided learning apparatus as recited in claim 25 further comprising: a tracker configured to track materials regarding the user; and an updaters configured to update materials regarding the user based on the tracked materials.</p>
27.	<p>A computer-aided learning apparatus as recited in claim 26 further comprising a learning materials ascertainment configured to ascertain materials for the user to learn if the user is a learning user.</p>
	Prior Art

TABLE 6

Invalidity Claim Chart: The '556 Patent (Taylor)

Patent No. 6,398,556	
Claim No.	Claim
	Prior Art
28.	A computer-aided learning apparatus as recited in claim 27 wherein the institute user accesses the materials to identify a learning user for filling a job position.
53.	[A] A computer-aided learning method for a user comprising the steps of: retrieving, by a first computer, materials related to the user; [B] permitting, by the computer, the user access materials regarding at least one learning user if the user is an institute user, as determined based on an identifier of the user;
	See references to Taylor regarding part [B] of claim 1.
	[C] wherein if the user is the institute user, the institute user can learn about the at least one learning user in an area the institute user is interested;
	See references to Taylor regarding part [C] of claim 1.
	[D] wherein the materials accessed can be retrieved by at least one of the users from another computer, which is connected to the first computer through a network;
	See references to Taylor regarding part [D] of claim 1.
	[E] wherein the institute user pays so that materials can be accessed; wherein a learning user is allowed to access materials to learn;
	wherein materials on at least one of the users can be monitored and updated; and
	See references to Taylor regarding part [E] of claim 1.
	[F] wherein the first computer includes a Web server.
	See references to Taylor regarding claim 23.

TABLE 6

Invalidity Claim Chart: The '556 Patent (Taylor)

Patent No. 6,398,556		
Claim No.	Claim	Prior Art.
54.	A computer-aided learning method as recited in claim 53 wherein the learning user allowed to access materials works for the institute user.	Arthur Andersen & Co. Industry Education Computer Based Training Strategy Appendixes — Data Base Learning Model (02/88) ("Andersen") at SA 04850; "SkillView: Engineering a More Productive WorkForce," by SkillView Technologies ("SkillView") at SA 04745, SA 04746, SA 04747, SA 04748, SA 04749, SA 04755.
56.	A computer-aided learning method as recited in claim 53 wherein at least a portion of the materials to learn depends on an attribute of the learning user allowed to access materials.	Taylor, col. 3, lines 22-60, col. 6, lines 1-24; Andersen at SA 04849; and see references to SkillView regarding claim 54.
57.	A computer-aided learning method as recited in claim 53 wherein at least a portion of the materials to learn depends on an area related to the background of the learning user allowed to access materials.	See references to Taylor, Andersen, and SkillView regarding claim 56.
58.	A computer-aided learning method as recited in claim 53 wherein at least a portion of the materials to learn depends on an interest of the learning user allowed to access materials.	See references to Taylor, Andersen and SkillView regarding claim 56.
59.	A computer-aided learning method as recited in claim 53 wherein at least a portion of the material to learn depends on a job of the learning user allowed to access materials.	Taylor, col. 3, lines 22-60; and see references to Andersen and SkillView regarding claim 56.
60.	A computer-aided learning method as recited in claim 53 wherein the learning progress of the learning user allowed to access materials is monitored.	Andersen at SA 04850, SA 04855, SA 04857; SkillView at SA 04857, SA 04746, SA 04756.
61.	A computer-aided learning method as recited in claim 60 wherein at least a portion of materials to learn depends on the learning progress of the learning user allowed to access materials.	See references to Andersen regarding claim 60; see SkillView at SA 04755-56.

TABLE 6

Invalidity Claim Chart: The '556 Patent (Taylor)

Patent No. 6,398,556		
Claim No.	Claim	Prior Art
64.	A computer-aided learning method as recited in claim 53 wherein at least a portion of the materials to learn depends on an objective of the institute user.	See references to <u>Taylor</u> and <u>SkillView</u> regarding claim 54; and see <u>Andersen</u> at SA 04850-52, SA 04853-55.
65.	A computer-aided learning method as recited in claim 64 wherein at least a portion of the materials to learn is modified as the objective of the institute user changes.	<u>Taylor</u> at col. 4, lines 33-53; <u>Andersen</u> at SA 04850, SA 04853, SA 04854, SA 04828, SA 04835; <u>SkillView</u> at SA 04742-45, SA 04751-56.
67.	A computer-aided learning method as recited in claim 53 further comprising identifying by the institute user a person to do a job depending on an objective of the institute user.	See references to <u>Taylor</u> regarding claims 10-11; and see <u>Andersen</u> at SA 04850, SA 04853; <u>SkillView</u> at SA 04742-47.
68.	A computer-aided learning method as recited in claim 53 wherein the learning user allowed to access materials is monitored, and the method further comprises identifying by the institute user that learning user to do a job based on materials regarding that learning user.	<u>Taylor</u> , abstract, col. 5, lines 43-46, 59-62; col. 4, lines 54-56; col. 4 line 63 - col. 5 line 5; col. 6, lines 35-40; and see references to <u>Andersen</u> and <u>SkillView</u> regarding claim 67.
72.	A computer-aided learning methods as recited in claim 53 wherein at least a portion of the materials to learn is modularized as learning objects.	<u>Taylor</u> , col. 3, lines 17-64; <u>Andersen</u> at SA 04849, SA 04850, SA 04853, SA 04857; <u>SkillView</u> at SA 04755; and U.S. Patent 5,799,292 ("Hekmatpour") col. 5, lines 7-11.
73.	[A] A computer-aided learning method as recited in claim 53 wherein the learning user allowed to access materials, works for the institute user, [B] wherein the method further comprises testing that learning user, and [C] wherein the learning progress of that learning user is monitored.	See references to <u>Andersen</u> and <u>SkillView</u> regarding claim 54 and see <u>Hekmatpour</u> , col. 1, lines 22-30. Andersen at SA 04850, SA 04857. See references to <u>Andersen</u> and <u>SkillView</u> regarding claim 60.

TABLE 6

Invalidity Claim Chart: The '556 Patent (Taylor)

Patent No. 6,398,556		
Claim No.	Claim	Prior Art
74.	[A] A computer-aided learning method as recited in claim 73 wherein at least a portion of the materials to learn depends on an objective of the institute user, and [B] wherein at least a portion of the materials to learn is from the institute user.	Taylor, col. 3, lines 43-55; col. 4, lines 33-53; see references to <u>Andersen</u> regarding to claim 64; and see <u>SkillView</u> at SA 04745, SA 04746, SA 04747, SA 04748, SA 04749, SA 04754, SA 04756. See references to <u>Taylor</u> , <u>Andersen</u> , and <u>SkillView</u> regarding part [A] of claim 74.
77.	[A] A computer-aided learning method as recited in claim 74 wherein at least a portion of the materials to learn is modularized as learning objects, [B] wherein at least a portion of the materials to learn depends on a job of that learning user, and [C] wherein at least a portion of materials to learn depends on that learning user's learning progress.	See references to Taylor, Andersen, SkillView, and Hekmatpour regarding claim 72. See references to <u>Taylor</u> , <u>Andersen</u> , and <u>SkillView</u> regarding claims 56-59.
78.	A computer-aided learning method as recited in claim 77 further comprising identifying by the institute user a person to do a job depending on an objective of the institute user.	See references to <u>Andersen</u> and <u>SkillView</u> regarding claims 60-61.
79.	A computer-aided learning method as recited in claim 74 further comprising identifying by the institute user a person to do a job depending on an objective of the institute user, wherein at least a portion of the materials to learn depends on a job of that institute user.	See references to <u>Taylor</u> , <u>Andersen</u> , and <u>SkillView</u> regarding claims 56, 59, and 67.

TABLE 6

Invalidity Claim Chart: The '556 Patent (Taylor)

Patent No. 6,398,556		
Claim No.	Claim	Prior Art
80.	[A] A computer-aided learning method as recited in claim 73 wherein at least a portion of the materials to learn is modularized as learning objects, [B] wherein at least a portion of the materials to learn is for a customer of the institute user to learn, and [C] wherein at least a portion of the materials to learn, depends on a job of that learning user.	Taylor, col. 3, lines 17-64; <u>Andersen</u> at SA 04849, SA 04850, SA 04853, SA 04857; <u>SkillView</u> at SA 04755; and U.S. Patent 5,799,292 ("Hekmatpour") col. 5, lines 7-11. See reference to <u>Abelow</u> regarding part [A] of claim 7.
84.	[A] A computer-aided learning method as recited in claim 73 wherein at least a portion of the materials to learn is for a customer of the institute user to learn, [B] wherein at least a portion of the materials to learn depends on an interest of that learning user, and [C] wherein at least a portion of the materials to learn depends on an area related to the background of that learning user.	See references to <u>Taylor</u> , <u>Andersen</u> , and <u>SkillView</u> regarding claims 56 and 59. See reference to <u>Abelow</u> regarding part [A] of claim 7. See reference to <u>Abelow</u> regarding part [A] of claim 7 and also see references to <u>Taylor</u> , <u>Andersen</u> and <u>SkillView</u> regarding claim 56. See references to <u>Taylor</u> , <u>Andersen</u> and <u>SkillView</u> regarding claim 56.

TABLE 7

Invalidity Claim Chart: The '556 Patent (Andersen)

Patent No. 6,398,556		
Claim No.	Claim	Prior Art
1.	<p>[A] A computer-aided learning method for a user comprising the steps of: retrieving, by a first computer, materials related to the user;</p> <p>[B] permitting, by the computer, the user to access materials regarding at least one learning user if the user is an institute user, as determined based on an identifier of the user;</p> <p>[C] wherein if the user is the institute user, the institute user can learn about the at least one learning user in an area the institute user is interested;</p> <p>[D] wherein the materials accessed can be retrieved by at least one of the users from another computer, which is connected to the first computer through a network; and</p> <p>[E] wherein the institute user pays to access materials regarding the at least one learning user; a learning user is allowed to access materials to learn; and materials on at least one of the users can be tracked and updated.</p>	<p><u>Arthur Andersen & Co. Industry Education Computer Based Training Strategy, Appendixes--Data Base Learning Model (02/88) ("Andersen") at SA 04849-51.</u></p> <p>See references to <u>Andersen</u> regarding part [B].</p> <p><u>Andersen</u> at SA 04850, SA 04853, SA 04855, SA 04857.</p> <p><u>Andersen</u> at SA 04850.</p> <p><u>Andersen</u> at SA 04850, SA 04853, SA 04855, SA 04857.</p>
2.	<p>[A] A computer-aided learning method as recited in claim 1 further comprising the steps of: tracking, by the computer, materials regarding the user; and</p> <p>[B] updating, by the computer, materials regarding the user based on the tracked materials.</p>	<p>See references to <u>Andersen</u> regarding part [E] of claim 1.</p>
3.	A computer-aided learning method as recited in claim 2 further comprising the step of ascertaining materials for the user to learn if the user is a learning user.	<u>Andersen</u> at SA 04828, SA 04849, SA 04850.

TABLE 7

Invalidity Claim Chart: The '556 Patent (Andersen)

Patent No. 6,398,556		
Claim No.	Claim	Prior Art
5.	A computer-aided learning method as recited in claim 2 wherein if the user is a learning user, the step of tracking includes tracking the user's learning activities.	See references to <u>Andersen</u> regarding part [E] of claim 1.
7.	[A] A computer-aided learning method as recited in claim 5 wherein: the user is learning features of a product; and [B] the activities tracked include the one or more features the user worked on.	<u>Andersen</u> at SA 04828, SA 04835, SA 04836, SA 0849-51; U.S. Patent No. 5,999,908 (" <u>Below</u> "), see abstract and also see col. 13, lines 50-52; col. 29, lines 38-31; and col. 40, lines 58-63; U.S. Patent No. 5,592,375 ("Salmon"), abstract.
8.	A computer-aided learning method as recited in claim 7 wherein the method is implemented at a Web site.	See references to <u>Andersen</u> regarding part [E] of claim 1; and see <u>Below</u> , abstract and col 18 lines 20-24, col. 23, lines 57-59; and col. 29, line 55 - col. 20 line 4.
10.	A computer-aided learning method as recited in claim 2 wherein the institute user accesses the materials to identify a learning user for filling a job position.	<u>Andersen</u> at SA 04850, SA 04853; <u>Taylor</u> , abstract, col. 5, lines 43-46, 59-62, col. 4, lines 54-56, col. 4 line 63 - col. 5 line 5, col. 6, lines 35-40; "SkillView: Engineering a More Productive WorkForce," by SkillView Technologies ("SkillView") at SA 04742-47.
11.	A computer-aided learning method as recited in claim 10 further comprising the step of querying materials on learning users to identify a learning user to fill the job position based on criteria set by the institute user.	See references to <u>Andersen</u> , <u>Taylor</u> , and <u>SkillView</u> regarding claim 10.
14.	A computer-aided learning method as recited in claim 10 wherein the method is implemented at a Web site.	See references to <u>Andersen</u> , <u>Taylor</u> , and <u>Below</u> regarding claim 8.
22.	A computer-aided learning method as recited in claim 2 wherein the materials to learn includes materials on features of a product introduced by an institute user.	See references to <u>Andersen</u> and <u>Below</u> regarding part [A] of claim 7.
23.	A computer-aided learning method as recited in claim 2 wherein the method is implemented at a Web site.	See references to <u>Andersen</u> , <u>Taylor</u> , and <u>Below</u> regarding claim 8.

TABLE 7

Invalidity Claim Chart: The '556 Patent (Andersen)

Patent No. 6,398,556		
Claim No.	Claim	Prior Art
25.	[A] A computer-aided learning apparatus for a user comprising: A retriever configured to retrieve materials related to the user; and [B] A determinator configured to permit the user to access materials regarding at least one learning user if the user is an institute user, as determined based on an identifier of the user, [C] wherein the materials accessed can be retrieved by at least one of the users from another computer, which is connected to the apparatus through a network; and [D] wherein if the user is the institute user, the institute user can learn about the at least one learning user in an area the institute user is interested;	See references to <u>Andersen</u> regarding claim 1 part [A]. See references to <u>Andersen</u> regarding claim 1 part [B]. See references to <u>Andersen</u> regarding claim 1 part [C]. See references to <u>Andersen</u> regarding claim 1 part [D].
26.	[E] wherein the institute user pays to access materials regarding the at least one learning user; a learning user is allowed to access materials to learn; and materials on at least one of the users can be tracked and updated. A computer-aided learning apparatus as recited in claim 25 further comprising: a tracker configured to track materials regarding the user; and an updaters configured to update materials regarding the user based on the tracked materials.	See references to <u>Andersen</u> regarding claim 1 part [E]. See references regarding claim 2.
27.	A computer-aided learning apparatus as recited in claim 26 further comprising a learning materials ascertainment configured to ascertain materials for the user to learn if the user is a learning user.	See references regarding claim 3. See references regarding claim 3.

TABLE 7

Invalidity Claim Chart: The '556 Patent (Andersen)

Patent No. 6,398,556	
Claim No.	Claim
	Prior Art
28.	A computer-aided learning apparatus as recited in claim 27 wherein the institute user accesses the materials to identify a learning user for filling a job position.
53.	[A] A computer-aided learning method for a user comprising the steps of: retrieving, by a first computer, materials related to the user; [B] permitting, by the computer, the user access materials regarding at least one learning user if the user is an institute user, as determined based on an identifier of the user, [C] wherein if the user is the institute user, the institute user can learn about the at least one learning user in an area the institute user is interested;
	See references to <u>Andersen</u> regarding part [A] of claim 1. See references to <u>Andersen</u> regarding part [B] of claim 1.
	[D] wherein the materials accessed can be retrieved by at least one of the users from another computer, which is connected to the first computer through a network;
	See references to <u>Andersen</u> regarding part [D] of claim 1.
	[E] wherein the institute user pays so that materials can be accessed; wherein a learning user is allowed to access materials to learn; wherein materials on at least one of the users can be monitored and updated; and
	See references to <u>Andersen</u> regarding part [E] of claim 1.
	[H] wherein the first computer includes a Web server.
	See references to <u>Andersen</u> , <u>Taylor</u> , and <u>Abelow</u> regarding claim 8.
54.	A computer-aided learning method as recited in claim 53 wherein the learning user allowed to access materials, works for the institute user.
	Andersen at SA 04850; SkillView at SA 04745, SA 04746, SA 04747, SA 04748, SA 04749, SA 04755.

TABLE 7

Invalidity Claim Chart: The '556 Patent (Andersen)

Patent No. 6,398,556		
Claim No.	Claim	Prior Art
56.	A computer-aided learning method as recited in claim 53 wherein at least a portion of the materials to learn depends on an attribute of the learning user allowed to access materials.	<u>Andersen</u> at SA 04849; <u>Taylor</u> , col. 3, lines 22-60, col. 6, lines 1-24; and see references to <u>SkillView</u> regarding claim 54.
57.	A computer-aided learning method as recited in claim 53 wherein at least a portion of the materials to learn depends on an area related to the background of the learning user allowed to access materials.	See references to <u>Andersen</u> , <u>Taylor</u> , and <u>SkillView</u> regarding claim 56.
58.	A computer-aided learning method as recited in claim 53 wherein at least a portion of the materials to learn depends on an interest of the learning user allowed to access materials.	See references to <u>Andersen</u> , <u>Taylor</u> , and <u>SkillView</u> regarding claim 56.
59.	A computer-aided learning method as recited in claim 53 wherein at least a portion of the material to learn depends on a job of the learning user allowed to access materials.	<u>Taylor</u> , col. 3, lines 22-60; and see references to <u>Andersen</u> and <u>SkillView</u> regarding claim 56.
60.	A computer-aided learning method as recited in claim 53 wherein the learning progress of the learning user allowed to access materials is monitored.	<u>Andersen</u> at SA 04850, SA 04855, SA 04857; <u>SkillView</u> at SA 04746, SA 04756.
61.	A computer-aided learning method as recited in claim 60 wherein at least a portion of materials to learn depends on the learning progress of the learning user allowed to access materials.	See references to <u>Andersen</u> regarding claim 60; see <u>SkillView</u> at SA 04755-56.
64.	A computer-aided learning method as recited in claim 53 wherein at least a portion of the materials to learn depends on an objective of the institute user.	See references to <u>Taylor</u> and <u>SkillView</u> regarding claim 54; and see <u>Andersen</u> at SA 04850, SA 04852, SA 04853, SA 04855.
65.	A computer-aided learning method as recited in claim 64 wherein at least a portion of the materials to learn is modified as the objective of the institute user changes.	<u>Andersen</u> at SA 04850, SA 04853, SA 04854, SA 04828, SA 04835; <u>SkillView</u> at SA 04742-45, SA 04751-56.

TABLE 7

Invalidity Claim Chart: The '556 Patent (Andersen)

Patent No. 6,398,556	
Claim No.	Claim
67.	A computer-aided learning method as recited in claim 53 further comprising identifying by the institute user a person to do a job depending on an objective of the institute user.
68.	A computer-aided learning method as recited in claim 53 wherein the learning user allowed to access materials is monitored, and the method further comprises identifying by the institute user that learning user to do a job based on materials regarding that learning user.
72.	A computer-aided learning methods as recited in claim 53 wherein at least a portion of the materials to learn is modularized as learning objects.
73.	<p>[A] A computer-aided learning method as recited in claim 53 wherein the learning user allowed to access materials, works for the institute user,</p> <p>[B] wherein the method further comprises testing that learning user, and</p> <p>[C] wherein the learning progress of that learning user is monitored.</p>
74.	<p>[A] A computer-aided learning method as recited in claim 73 wherein at least a portion of the materials to learn depends on an objective of the institute user, and</p> <p>[B] wherein at least a portion of the materials to learn is from the institute user.</p>
	Prior Art
	See references to <u>Taylor</u> regarding claims 10-11; and see <u>Andersen</u> at SA 04850, SA 04853; <u>SkillView</u> at SA 04742-47.
	<u>Taylor</u> , abstract, col. 5, lines 43-46, 59-62, col. 4, lines 54-56, col. 4 line 63 - col. 5 line 5, col. 6, lines 35-40; and see references to <u>Andersen</u> and <u>SkillView</u> regarding claim 67.
	<u>Taylor</u> , col. 3, lines 17-64, <u>Andersen</u> at SA 04849, SA 04850, SA 04853, SA 04857; <u>SkillView</u> at SA 04755; USP 5,799,292 ("Hekmatpour") col. 5, lines 7-11.
	See references to <u>Andersen</u> and <u>SkillView</u> regarding claim 54 and see <u>Hekmatpour</u> , col. 1, lines 22-30.
	<u>Andersen</u> at SA 04850, SA 04857.
	See references to <u>Andersen</u> and <u>SkillView</u> regarding claim 60.
	See references to <u>Andersen</u> regarding to claim 64; and see <u>Taylor</u> , col. 3, lines 43-55, col. 4, lines 33-53; <u>SkillView</u> at SA 04745, SA 04746, SA 04747, SA 04748, SA 04749, SA 04755, SA 04756.
	See references to <u>Andersen</u> , <u>Taylor</u> , and <u>SkillView</u> regarding part [A] of claim 74.

TABLE 7

Invalidity Claim Chart: The '556 Patent (Andersen)

		Patent No. 6,398,556
Claim No.	Claim	Prior Art
77.	A computer-aided learning method as recited in claim 74 wherein at least a portion of the materials to learn is modularized as learning objects, wherein at least a portion of the materials to learn depends on a job of that learning user, and wherein at least a portion of materials to learn depends on that learning user's learning progress.	See references to <u>Andersen</u> , <u>Taylor</u> , <u>SkillView</u> , and <u>Hekmatpour</u> regarding claim 72. See references to <u>Andersen</u> and <u>SkillView</u> regarding claims 56-59. See references to <u>Andersen</u> , <u>Taylor</u> , and <u>SkillView</u> regarding claims 60-61.
78.	A computer-aided learning method as recited in claim 77 further comprising identifying by the institute user a person to do a job depending on an objective of the institute user.	See references to <u>Andersen</u> , <u>Taylor</u> , and <u>SkillView</u> regarding claim 67.
79.	A computer-aided learning method as recited in claim 74 further comprising identifying by the institute user a person to do a job depending on an objective of the institute user, wherein at least a portion of the materials to learn depends on a job of that institute user.	See references to <u>Andersen</u> , <u>Taylor</u> , and <u>SkillView</u> regarding claims 56, 59, and 67.
80.	[A] A computer-aided learning method as recited in claim 73 wherein at least a portion of the materials to learn is modularized as learning objects, [B] wherein at least a portion of the materials to learn is for a customer of the institute user to learn, and [C] wherein at least a portion of the materials to learn, depends on a job of that learning user.	See reference to <u>Abelow</u> regarding part [A] of claim 7. See references to <u>Andersen</u> , <u>Taylor</u> , and <u>SkillView</u> regarding claims 56 and 59. <u>Andersen</u> at SA 04849, SA 04850, SA 04853, SA 04857; <u>Taylor</u> , col. 3, lines 17-64; <u>SkillView</u> at SA 04755; USP 5,799,292 ("Hekmatpour") col. 5, lines 7-11.

TABLE 7

Invalidity Claim Chart: The '556 Patent (Andersen)

Patent No. 6,398,556	
Claim No.	Claim
84.	<p>[A] A computer-aided learning method as recited in claim 73 wherein at least a portion of the materials to learn is for a customer of the institute user to learn,</p> <p>[B] wherein at least a portion of the materials to learn depends on an interest of that learning user, and</p> <p>[C] wherein at least a portion of the materials to learn depends on an area related to the background of that learning user.</p> <p>See reference to <u>Abelow</u> regarding part [A] of claim 7.</p> <p>See references to <u>Andersen Taylor</u>, and <u>SkillView</u> regarding claim 56 and also see reference to <u>Abelow</u> regarding part [A] of claim 7.</p> <p>See references to <u>Andersen, Taylor</u>, and <u>SkillView</u> regarding claim 56.</p>

TABLE 8

Invalidity Claim Chart: The '556 Patent (CBT WINTRACS/WINTRACS)

Patent No. 6,398,556		
Claim No.	Claim	Prior Art
1.	<p>[A] A computer-aided learning method for a user comprising the steps of: retrieving, by a first computer, materials related to the user;</p> <p>[B] permitting, by the computer, the user to access materials regarding at least one learning user if the user is an institute user, as determined based on an identifier of the user;</p> <p>[C] wherein if the user is the institute user, the institute user can learn about the at least one learning user in an area the institute user is interested;</p> <p>[D] wherein the materials accessed can be retrieved by at least one of the users from another computer, which is connected to the first computer through a network; and</p> <p>[E] wherein the institute user pays to access materials regarding the at least one learning user; a learning user is allowed to access materials to learn; and materials on at least one of the users can be tracked and updated.</p>	"CBT WINTRACS" (1994), published by CBT Systems ("CBT WINTRACS") at SA 05106-07; "WINTRACS" (1997), published by CBT Systems ("WINTRACS") at SA 05116-17, SA 05137.
	[A] A computer-aided learning method as recited in claim 1 further comprising the steps of:	CBT WINTRACS at SA 05067-69, SA 05071, SA 05074, SA 05089-93; WINTRACS at SA 05111, SA 05113.
2.	[A] A computer-aided learning method as recited in claim 1 further comprising the steps of:	CBT WINTRACS at SA 05069; WINTRACS at SA 05127, SA 01537.
	[B] updating, by the computer, materials regarding the user based on the tracked materials.	See references regarding part [B], and see CBT WINTRACS at SA 05095; WINTRACS at SA 05114.
3.	A computer-aided learning method as recited in claim 2 further comprising the step of ascertaining materials for the user to learn if the user is a learning user.	See references regarding part [A] of claim 1.

TABLE 8

Invalidity Claim Chart: The '556 Patent (CBT WINTRACS/WINTRACS)

Claim No.	Claim	Prior Art
5.	A computer-aided learning method as recited in claim 2 wherein if the user is a learning user, the step of tracking includes tracking the user's learning activities.	See references regarding part [C] of claim 1 and see CBT WINTRACS at SA 05095; WINTRACS at SA 05114.
7.	[A] A computer-aided learning method as recited in claim 5 wherein:	CBT WINTRACS at SA 05107.
	the user is learning features of a product; and	
[B]	the activities tracked include the one or more features the user worked on.	See references regarding part [C] of claim 1 and see CBT WINTRACS at SA 05095; WINTRACS at SA 05114.
8.	A computer-aided learning method as recited in claim 7 wherein the method is implemented at a Web site.	See references regarding part [D] of claim 1.
23.	A computer-aided learning method as recited in claim 2 wherein the method is implemented at a Web site.	See references regarding part [D] of claim 1.

TABLE 8

Invalidity Claim Chart: The '556 Patent (CBT WINTRACS/WINTRACS)

		Patent No. 6,398,556	
Claim No.	Claim		Prior Art
25.	[A] A computer-aided learning apparatus for a user comprising: A retriever configured to retrieve materials related to the user; and [B] A determinator configured to permit the user to access materials regarding at least one learning user if the user is an institute user, as determined based on an identifier of the user; [C] wherein the materials accessed can be retrieved by at least one of the users from another computer, which is connected to the apparatus through a network; and [D] wherein if the user is the institute user, the institute user can learn about the at least one learning user in an area the institute user is interested;	See references regarding part [A] of claim 1. See references regarding part [B] of claim 1. See references regarding part [C] of claim 1. See references regarding part [D] of claim 1.	
26.	[E] wherein the institute user pays to access materials regarding the at least one learning user; a learning user is allowed to access materials to learn; and materials on at least one of the users can be tracked and updated.	See references regarding part [E] of claim 1.	
27.	A computer-aided learning apparatus as recited in claim 25 further comprising: a tracker configured to track materials regarding the user; and an updaters configured to update materials regarding the user based on the tracked materials.	See references regarding parts [A] and [B] of claim 2.	
	A computer-aided learning apparatus as recited in claim 26 further comprising a learning materials ascertainment configured to ascertain materials for the user to learn if the user is a learning user.	See references regarding claim 3.	

TABLE 8

Invalidity Claim Chart: The '556 Patent (CBT WINTRACS/WINTRACS)

Claim No.	Claim	Patent No. 6,398,556 Prior Art
53.	<p>[A] A computer-aided learning method for a user comprising the steps of: retrieving, by a first computer, materials related to the user;</p> <p>[B] permitting, by the computer, the user access materials regarding at least one learning user if the user is an institute user, as determined based on an identifier of the user;</p> <p>[C] wherein if the user is the institute user, the institute user can learn about the at least one learning user in an area the institute user is interested;</p> <p>[D] wherein the materials accessed can be retrieved by at least one of the users from another computer, which is connected to the first computer through a network;</p> <p>[E] wherein the institute user pays so that materials can be accessed;</p> <p>[F] wherein a learning user is allowed to access materials to learn;</p> <p>[G] wherein materials on at least one of the users can be monitored and updated; and</p> <p>[H] wherein the first computer includes a Web server.</p>	<p>CBT WINTRACS at SA 05106-07; WINTRACS at SA 05116-17, SA 05137.</p> <p>CBT WINTRACS at SA 05067-69, SA 05071, SA 05074, SA 05089-93; WINTRACS at SA 05111, SA 05113.</p> <p>CBT WINTRACS at SA 05067-69, SA 05089-93; WINTRACS at SA 05113.</p> <p>CBT WINTRACS at SA 05069; WINTRACS at SA 05127, SA 05137.</p> <p>See references regarding part [B] of claim 53, and see CBT WINTRACS at SA 05095; WINTRACS at SA 05114.</p> <p>See references regarding claim 8.</p> <p>See references regarding part [A] of claim 53.</p>
56.	A computer-aided learning method as recited in claim 53 wherein at least a portion of the materials to learn depends on an attribute of the learning user allowed to access materials.	

TABLE 8

Invalidity Claim Chart: The '556 Patent (CBT WINTRACS/WINTRACS)

Patent No. 6,398,556		
Claim No.	Claim	Prior Art
58.	A computer-aided learning method as recited in claim 53 wherein at least a portion of the materials to learn depends on an interest of the learning user allowed to access materials.	See references regarding part [A] of claim 53.
60.	A computer-aided learning method as recited in claim 53 wherein the learning progress of the learning user allowed to access materials is monitored.	See references regarding parts [A] and [B] of claim 2.